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CONFERENCE ON DISARMAMENT

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REPORT OF THE AD HOC COMMITTEE ON A NUCLEAR TEST BAN
TO THE CONFERENCE ON DISARMAMENT

I. INTRODUCTION

1. At its 721st plenary meeting on 23 January 1996, the Conference on Disarmament re-established the Ad Hoc Committee on a Nuclear Test Ban with the same mandate as in 1994 and 1995 (CD/1238):

> "In the exercise of its responsibilities as the sole multilateral disarmament negotiating forum of the international community, the Conference on Disarmament decides to re-establish an Ad Hoc Committee under item 1 of its agenda entitled 'Nuclear Test Ban', and to give priority to its work.
>
> The Conference directs the Ad Hoc Committee to negotiate intensively a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security.
>
> Pursuant to its mandate, the Ad Hoc Committee will take into account all existing proposals and future initiatives, as well as the work of the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events. The Conference requests the Ad Hoc Committee to establish the necessary working groups in order to carry forward effectively this negotiating mandate; these should include at least two working groups, one on verification and one on legal and institutional issues, which should be established in the initial stage of the negotiation, and any others which the Committee may subsequently decide upon.
>
> The Ad Hoc Committee will report to the Conference on Disarmament on the progress of its work before the conclusion of the 1994 session."

II. ORGANIZATION OF WORK

2. At the 721st plenary meeting on 23 January 1996, the Conference on Disarmament appointed Ambassador Jaap Ramaker of the Netherlands as Chairman of the Ad Hoc Committee. Ms. Jenifer Mackby, Senior Political Affairs Officer of the United Nations Centre for Disarmament Affairs, continued to serve as Secretary of the Ad Hoc Committee. Mr. Vladimir Bogomolov, Political Affairs Officer of the United Nations Centre for Disarmament Affairs, served as Deputy Secretary of the Ad Hoc Committee.

3. In accordance with the decision of the Conference adopted at its 603rd plenary meeting on 22 August 1991, the Ad Hoc Committee was open to all the non-member States invited by the Conference to participate in its work.

4. In accordance with its mandate, the Ad Hoc Committee continued, and further intensified, negotiation of the draft treaty with a view to enabling its signature by the outset of the fifty-first session of the General Assembly of the United Nations. In discharging its mandate, the Ad Hoc Committee decided to establish the following two Working Groups:

(a) Working Group 1: Verification
(Chairman: Ambassador Grigori Berdennikov, Russian Federation)

(b) Working Group 2: Legal and Institutional Issues
(Chairman: Ambassador Mounir Zahran, Egypt)

5. In addition, in the course of the work of the Ad Hoc Committee, twelve Friends of the Chair and five Moderators were appointed to deal with the following specific issues in private and open-ended consultations:

For the Ad Hoc Committee:

(a) Preparatory Commission
(Mr. Donald Sinclair, Friend of the Chair, Canada, followed by Ambassador Wolfgang Hoffmann, Friend of the Chair, Germany)

(b) Funding
(Mr. Yukiya Amano, Friend of the Chair, Japan)

(c) Executive Council Composition
(Ambassador Nacer Benjelloun-Touimi, Friend of the Chair, Morocco)

(d) On-Site Inspection
(Ambassador Mark Moher, Friend of the Chair, Canada)

(e) Host Country Commitments
(Ambassador Stephen J. Ledogar, Friend of the Chair, United States of America)

(f) Preamble and Review
(Ambassador Mounir Zahran, Moderator, Egypt)

(g) Executive Council Composition
(Ambassador Nacer Benjelloun-Touimi, Moderator, Morocco)

(h) On-site Inspection
(Ambassador Mark Moher, Moderator, Canada)

(i) International Monitoring System/International Data Centre
(Ambassador Richard Starr, Moderator, Australia)

(j) Entry into Force
(Ambassador Antonio de Icaza, Moderator, Mexico)

For Working Group 1:

(k) Technical Verification
(Dr. Peter Marshall, Friend of the Chair, United Kingdom of Great Britain and Northern Ireland)

(l) International Monitoring System
(Mr. Patrick Cole, Friend of the Chair, Australia)

(m) Associated/Confidence-Building/Transparency Measures
(Mr. Richard Ekwall, Friend of the Chair, Sweden)

(n) Technical Aspects of the International Data Centre
(Dr. Ralph Alewine, Friend of the Chair, United States of America)

For Working Group 2:

(o) Preamble
(Mr. Marshall Brown, Friend of the Chair, United States of America)

(p) Entry into Force
(Ambassador Antonio de Icaza, Friend of the Chair, Mexico)

III. DOCUMENTATION

6. The following official documents dealing with a nuclear test ban were presented to the Conference by 16 August 1996:

- CD/1366, dated 6 October 1995, entitled "Note verbale dated 5 October 1995 from the Permanent Mission of Chile to the Secretariat of the Conference on Disarmament transmitting a statement by the Government of Chile condemning the second nuclear test carried out by France on 1 October 1995 at Fangataufa Atoll".

- CD/1368, dated 18 October 1995, entitled "Note verbale dated 9 October 1995 from the Permanent Representatives of Colombia, Chile, Ecuador and Peru addressed to the Secretariat of the Conference on Disarmament transmitting a press release issued by the General Secretariat of the Permanent South Pacific Commission".

- CD/1369, dated 1 November 1995, entitled "Letter dated 30 October 1995 from the Permanent Representative of the Philippines addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a statement by the Hon. Domingo L. Siazon Jr., Secretary of Foreign Affairs of the Philippines, concerning the third nuclear test conducted by the Government of France".

- CD/1370, dated 1 November 1995, entitled "Note verbale dated 1 November 1995 from the Permanent Mission of Chile addressed to the Secretariat of the Conference on Disarmament transmitting an official statement issued by the Ministry of Foreign Affairs of Chile on 29 October 1995 condemning the nuclear explosion carried out by France at Mururoa Atoll".

- CD/1374, dated 4 January 1996, entitled "Note verbale dated 3 January 1996 from the Permanent Mission of Chile to the Secretariat of the Conference on Disarmament forwarding a copy of the official statement made by the Government of Chile in connection with the further French nuclear explosion at Mururoa Atoll on 27 December 1995".

- CD/1376, dated 8 January 1996, entitled "Letter dated 4 January 1996 from the Permanent Representative of Indonesia to the Secretary-General of the Conference on Disarmament transmitting a press release from the Department of Foreign Affairs of the Republic of Indonesia expressing the view of the Indonesian Government on the fifth French nuclear test conducted recently at Mururoa Atoll".

- CD/1378, dated 22 January 1996, entitled "Report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference on Disarmament on its work during the period 8-19 January 1996".

- CD/1380, dated 23 January 1996, entitled "Decision on the re-establishment of the Ad Hoc Committee on a Nuclear Test Ban (adopted at the 721st plenary meeting on 23 January 1996)".

- CD/1384 and Corr.1, dated 21 February 1996, entitled "Islamic Republic of Iran: Draft Comprehensive Nuclear-Test-Ban Treaty".

- CD/1386 and Corr.1, dated 29 February 1996, entitled "Australia: Comprehensive Nuclear-Test-Ban Treaty, Model Treaty Text".

- CD/1387 and Corr.1, dated 29 February 1996, entitled "Australia: Comprehensive Nuclear-Test-Ban Treaty, explanatory notes accompanying Model Treaty Text (as contained in CD/1386)".

- CD/1393, dated 30 April 1996, entitled "Letter dated 26 April 1996 from the Permanent Representative of France and the Acting Permanent Representative of the Russian Federation addressed to the Secretary-General of the Conference on Disarmament transmitting the

text of a statement on a Comprehensive Nuclear-Test-Ban Treaty made at the G-8 Summit in Moscow on nuclear security issues".

- CD/1395, dated 13 May 1996, entitled "Letter dated 13 May 1996 from the Permanent Representative of the Russian Federation to the Conference on Disarmament addressed to the Secretary-General of the Conference on Disarmament transmitting a statement by the Press Secretary of the President of the Russian Federation concerning the Comprehensive Nuclear-Test-Ban Treaty".

- CD/1396, dated 15 May 1996, entitled "Note verbale dated 14 May 1996 from the Permanent Mission of Italy addressed to the Secretariat of the Conference on Disarmament transmitting a declaration concerning the negotiations on the Comprehensive Nuclear-Test-Ban Treaty made on 22 April 1996 by the General Affairs Council of the European Union".

- CD/1404, dated 11 June 1996, entitled "Letter dated 10 June 1996 from the Head of the Delegation of the People's Republic of China to the Conference on Disarmament addressed to the President of the Conference on Disarmament transmitting a statement issued on 8 June 1996 by the Ministry of Foreign Affairs concerning nuclear testing".

- CD/1405, dated 17 June 1996, entitled "Note verbale dated 14 June 1996 from the Permanent Mission of Chile addressed to the Secretariat of the Conference on Disarmament transmitting a copy of the official statement issued by the Government of Chile on the occasion of the detonation of a further nuclear device by the People's Republic of China on 8 June 1996".

- CD/1409, dated 27 June 1996, entitled "Note verbale dated 26 June 1996 from the Permanent Mission of Argentina addressed to the Secretariat of the Conference on Disarmament transmitting a statement made by the Government of Argentina concerning the nuclear test carried out by the People's Republic of China on 8 June 1996".

- CD/1410, dated 29 July 1996, entitled "Letter dated 29 July 1996 from the Head of the Delegation of the People's Republic of China to the Conference on Disarmament addressed to the President of the Conference on Disarmament transmitting the text of the statement issued on 29 July 1996 by the Government of the People's Republic of China concerning nuclear testing".

- CD/1411, dated 30 July 1996, entitled "Letter dated 29 July 1996 from the Permanent Representative of the United States of America addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a statement made by the President of the United States on 26 July 1996 concerning United States support for the text of a Comprehensive Test-Ban Treaty proposed by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban last June".

- CD/1413, dated 31 July 1996, entitled "Letter dated 31 July 1996 from the Permanent Representative of France addressed to the President of the Conference on Disarmament transmitting a statement made on 25 July 1996 by a spokesman for the French Ministry of Foreign Affairs".

- CD/1415, dated 2 August 1996, entitled "Letter dated 2 August 1996 from the Permanent Representative of the United States of America addressed to the Secretary-General of the Conference on Disarmament transmitting a White House statement issued on 29 July 1996 concerning the nuclear test conducted by China on 29 July 1996".

- CD/1416, dated 5 August 1996, entitled "Note verbale dated 2 August 1996 from the Permanent Mission of Argentina addressed to the Secretariat of the Conference on Disarmament transmitting a press release issued by the Government expressing its firm support for the Comprehensive Nuclear-Test-Ban Treaty".

- CD/1417, dated 6 August 1996, entitled "Letter dated 6 August 1996 from the Permanent Representatives of the Russian Federation and the United States of America addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a joint statement on the Comprehensive Nuclear-Test-Ban Treaty made by the Minister of Foreign Affairs of the Russian Federation, E.M. Primakov, and United States Secretary of State, Warren Christopher, in Jakarta on 23 June 1996".

- CD/1418, dated 7 August 1996, entitled "Note verbale dated 7 August 1996 from the Permanent Mission of Argentina addressed to the Secretariat of the Conference on Disarmament transmitting a statement made by the Government of Argentina in connection with the nuclear test carried out by China on 29 July 1996".

- CD/1420, dated 8 August 1996, submitted by the delegation of Ireland, entitled "Declaration by the Presidency on behalf of the European Union on the negotiations on a Comprehensive Test-Ban Treaty".

- CD/1424, dated 15 August 1996, entitled "Letter dated 15 August 1996 from the Permanent Representatives of South Africa and New Zealand addressed to the Secretary-General of the Conference on Disarmament transmitting the text of the 'Memorandum of Cooperation and Arms Control' signed in Cape Town by President Nelson Mandela and Prime Minister James Bolger on 8 August 1996".

7. In addition, the following working papers were presented to the Ad Hoc Committee by 16 August 1996:

- CD/NTB/WP.280 and Corr.1, dated 6 December 1995, submitted by the delegation of France, entitled "Fission products from nuclear power plants and from nuclear tests".

- CD/NTB/WP.281, dated 19 December 1995, submitted by the delegation of Ukraine, entitled "Proposals by Ukraine for the inclusion of stations in the international infrasound monitoring network".

- CD/NTB/WP.282, dated 19 December 1995, submitted by the delegation of France, entitled "Possible benefits of comprehensive synergy between hydroacoustic and seismic monitoring".

- CD/NTB/WP.283, dated 20 December 1995, submitted by the Chairman of the International Monitoring System Expert Group, entitled "Working Group 1 - Verification: International Monitoring System, Report of the Expert Group based on Technical Discussions held from 4 through 15 December 1995".

- CD/NTB/WP.284 (English only), dated 20 December 1995, submitted by the Chairman of the Working Group on Legal and Institutional Issues, entitled "Working Group 2 - Legal and Institutional Issues: Indicative timetable of meetings during the period 8-19 January 1996".

- CD/NTB/WP.285 (English only), dated 4 January 1996, submitted by the delegation of Austria, entitled "Official Reply to the Questionnaire on the Seat of the Future Organization of the CTBT".

- CD/NTB/WP.286, dated 11 January 1996, submitted by a Friend of the Chair, entitled "Report of the Friend of the Chair on a Preparatory Commission for the Organization of the Comprehensive Test-Ban Treaty".

- CD/NTB/WP.287, dated 11 January 1996, submitted by the delegation of the United States of America, entitled "U.S. Views on some Funding Elements of the Comprehensive Test-Ban Treaty Organization (CTBTO)".

- CD/NTB/WP.288, dated 12 January 1996, submitted by the delegation of the Russian Federation, entitled "Additional material on the use of airborne facilities for radionuclide monitoring of a CTBT".

- CD/NTB/WP.289, dated 17 January 1996, submitted by the delegation of Cuba, entitled "Catalogue of resources to support International Monitoring System (IMS) radionuclide network".

- CD/NTB/WP.290, dated 15 January 1996, submitted by the delegation of Japan, entitled "Supplement Information for Report of Radionuclide Expert Group, Ad Hoc Committee on a Nuclear Test Ban, Working Group on Verification, 15 December 1995, contained in CD/NTB/WP.283".

- CD/NTB/WP.291 (English only), dated 19 January 1996, entitled "Draft Report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference on Disarmament on its work during the period 8-19 January 1996".

- CD/NTB/WP.292, dated 18 January 1996, submitted by the delegation of the Russian Federation, entitled "Proposals on enhancing the effectiveness of the international monitoring system".

- CD/NTB/WP.293, dated 23 January 1996, submitted by a Friend of the Chair, entitled "International Data Centre Progress Report 1: Incorporation of Infrasound, Hydroacoustic and Radionuclide Data into the International Data Centre: Processing and Analysis".

- CD/NTB/WP.294, dated 25 January 1996, submitted by a Friend of the Chair, entitled "International Data Centre Progress Report 2: Preliminary transition plan to move from the prototype International Data Centre to the IMS International Data Centre via the Preparatory Commission".

- CD/NTB/WP.295, dated 29 January 1996, submitted by the delegation of India, entitled "Indian draft language on Preamble".

- CD/NTB/WP.296, dated 29 January 1996, submitted by the delegation of India, entitled "Indian draft language on Review".

- CD/NTB/WP.297, dated 29 January 1996, submitted by the delegation of India, entitled "Indian draft language on Entry into Force".

- CD/NTB/WP.298, dated 29 January 1996, submitted by the delegation of Germany, entitled "Credit System for IMS investments".

- CD/NTB/WP.299, dated 29 January 1996, submitted by the delegation of South Africa, entitled "Funding Elements of the Comprehensive Nuclear-Test-Ban Treaty".

- CD/NTB/WP.300, dated 8 February 1996, submitted by the delegation of South Africa, entitled "Comprehensive Nuclear-Test-Ban Treaty (CTBT): The International Monitoring System (IMS) and On-Site Inspections (OSI)".

- CD/NTB/WP.301, dated 12 February 1996, submitted by the delegation of Belgium, entitled "Article 12: Proposal by Belgium".

- CD/NTB/WP.302, dated 12 February 1996, submitted by a Friend of the Chair, entitled "Informal draft text on the Preparatory Commission".

- CD/NTB/WP.303, dated 12 February 1996, submitted by the delegation of Germany, entitled "Germany's proposed new treaty language regarding the imminent preparation of a nuclear test explosion in the context of a CTBT".

- CD/NTB/WP.304 (English only), dated 12 February 1996, submitted by the Chairman of the Working Group on Verification, entitled "Working Group 1 - Verification: Indicative timetable of meetings during the period 12-23 February 1996".

- CD/NTB/WP.305, dated 13 February 1996, submitted by a Friend of the Chair, entitled "Preliminary Cost Estimates for the PrepCom in 1997".

- CD/NTB/WP.306, dated 13 February 1996, submitted by the delegation of Ukraine, entitled "Proposals of Ukraine concerning IMS and On-Site Inspections".

- CD/NTB/WP.307, dated 16 February 1996, submitted by the delegation of the United States of America, entitled "Further Comments on the U.S. Position on IDC Products and Services".

- CD/NTB/WP.308, dated 20 February 1996, submitted by the delegation of the United States of America, entitled "Further U.S. views on elements of an On-Site Inspection Regime (Managed Access, Observers, and Terminating an OSI)".

- CD/NTB/WP.309, dated 20 February 1996, submitted by the delegation of the United States of America, entitled "Further U.S. views on Overflight Regime for an On-Site Inspection".

- CD/NTB/WP.310, dated 20 February 1996, submitted by the delegation of the United States of America, entitled "U.S. views on Logistics and Equipment and Environmental Sampling for an On-Site Inspection".

- CD/NTB/WP.311, dated 20 February 1996, submitted by the delegation of France, entitled "France's preliminary views on managed access principles during an On-Site Inspection".

- CD/NTB/WP.312 and Add.1, dated 27 February 1996, submitted by a Friend of the Chair, entitled "International Data Centre Progress Report 3: Function and Products of the International Data Centre".

- CD/NTB/WP.313, dated 27 February 1996, submitted by the delegation of Chile, entitled "The Structure of Legal Obligations under a Comprehensive Test-Ban Treaty: General Aspects to be considered in a CTBT".

- CD/NTB/WP.314, dated 27 February 1996, submitted by the delegation of Japan, entitled "The Training Course on Global Seismological Observation".

- CD/NTB/WP.315, dated 28 February 1996, submitted by the delegation of the United States of America, entitled "Further U.S. views on elements of the On-Site Inspection Regime: Managing Access, Observers, and Rights and Obligations of the Inspected State Party".

- CD/NTB/WP.316 (English only), dated 4 March 1996, submitted by the delegation of the United States of America, entitled "Further Questions on Austrian Response to NTB AHC Questionnaire on Vienna as the Seat of the CTBT Organization (CD/NTB/WP.285)".

- CD/NTB/WP.317, dated 6 March 1996, submitted by the Chairman of the International Monitoring System Expert Group, entitled "Informal Paper on Certified Radionuclide Laboratories".

- CD/NTB/WP.318, dated 7 March 1996, submitted by the delegation of France, entitled "Overflights during on-site inspections on the territory of a State Party to the CTBT".

- CD/NTB/WP.319, dated 15 March 1996, submitted by a Friend of the Chair, entitled "On-Site Inspection Progress Report".

- CD/NTB/WP.320, dated 12 March 1996, submitted by the delegation of Germany, entitled "IDC-Products".

- CD/NTB/WP.321, dated 21 March 1996, submitted by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, entitled "Outline of a draft Comprehensive Nuclear-Test-Ban Treaty".

- CD/NTB/WP.322, dated 22 March 1996, submitted by the delegation of Canada, entitled "Peaceful Nuclear Explosions".

- CD/NTB/WP.323, dated 28 March 1996, submitted by the delegation of Canada, entitled "International Data Centre".

- CD/NTB/WP.324, dated 1 April 1996, submitted by the delegation of Canada, entitled "Entry into Force".

- CD/NTB/WP.325, Add.1 and Add.2, dated 1 April 1996, entitled "Rolling Text of the Treaty".

- CD/NTB/WP.326, dated 1 April 1996, submitted by the delegation of Israel, entitled "The Use of OSI Technologies".

- CD/NTB/WP.327, dated 17 May 1996, submitted by the delegation of South Africa, entitled "Comprehensive Nuclear-Test-Ban Treaty (CTBT): Submission of an on-site inspection request based on other relevant data".

- CD/NTB/WP.328, dated 23 May 1996, submitted by the delegation of Brazil, entitled "Proposed paragraphs for inclusion in the CTBT Preamble".

- CD/NTB/WP.329, dated 23 May 1996, submitted by the delegation of Pakistan, entitled "Proposed section in the CTBT Preamble".

- CD/NTB/WP.330, dated 28 May 1996, submitted by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, entitled "Draft Comprehensive Nuclear-Test-Ban Treaty".

- CD/NTB/WP.330/Rev.1, dated 28 June 1996, submitted by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, entitled "Draft Comprehensive Nuclear-Test-Ban Treaty".

CD/NTB/WP.330/Rev.2, dated 14 August 1996, submitted by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, entitled "Draft Comprehensive Nuclear-Test-Ban Treaty".

CD/NTB/WP.331, dated 4 June 1996, submitted by the delegation of Brazil, entitled "Certified Radionuclide Laboratories".

CD/NTB/WP.332, dated 6 June 1996, submitted by the delegation of Ukraine, entitled "Proposals relating to accounting procedures for on-site inspections".

CD/NTB/WP.333, dated 10 June 1996, submitted by a Friend of the Chair, entitled "Draft Text on the Establishment of a Preparatory Commission".

CD/NTB/WP.333/Rev.1, dated 28 June 1996, submitted by a Friend of the Chair, entitled "Draft Text on the Establishment of a Preparatory Commission".

CD/NTB/WP.334, dated 20 June 1996, submitted by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, entitled "Entry into Force".

CD/NTB/WP.335, dated 24 June 1996, submitted by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, entitled "Amendments to CD/NTB/WP.330".

CD/NTB/WP.336, dated 27 June 1996, submitted by 13 delegations of the G-21: Brazil, Cuba, Indonesia, Iran, Kenya, Mexico, Mongolia, Pakistan, Peru, Sri Lanka, Nigeria, Myanmar, Venezuela, entitled "Proposed amendments to the Preamble in the Chairman's Working Papers (CD/NTB/WP.330 and CD/NTB/WP.335)".

CD/NTB/WP.337 and Corr.1, dated 28 June 1996, submitted by the delegation of Ukraine, entitled "Proposals of Ukraine related to eventual inclusion of its infrasound stations in the respective international network".

CD/NTB/WP.338, dated 1 July 1996, submitted by a Friend of the Chair, entitled "Progress Report on Host Country Commitments".

CD/NTB/WP.339, dated 7 August 1996, submitted by the Friend of the Chair on Host Country Commitments, entitled "Final report of the site-visit team on the visit to Vienna, 8-11 July 1996".

CD/NTB/WP.340, dated 9 August 1996, entitled "Draft Report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference on Disarmament".

CD/NTB/WP.340/Rev.1 (English only), dated 14 August 1996, entitled "Draft Report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference on Disarmament".

- CD/NTB/WP.340/Rev.2, dated 16 August 1996, entitled "Draft Report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference on Disarmament".

- CD/NTB/WP.341 (English only), dated 13 August 1996, submitted by the delegation of Austria, entitled "Further Data on the Austrian Offer to Host the CTBTO".

IV. SUBSTANTIVE WORK DURING THE 1996 SESSION

8. The Ad Hoc Committee held 50 meetings from 23 January 1996 to 16 August 1996. In addition, the Chairman conducted informal consultations with delegations.

9. Working Group 1 held 13 meetings. The Working Group made intensive efforts towards revising treaty language on the verification regime in the rolling text. The Friends of the Chair held informal consultations with delegations on relevant verification matters. The Chairman of the Working Group presented to the Chairman of the Ad Hoc Committee revised draft language on provisions on verification issues for inclusion in the rolling text.

10. Working Group 2 held 14 meetings. Following an extensive debate on legal and institutional aspects of a nuclear test ban, the treaty language in the rolling text was substantially revised and refined. In addition, the Friends of the Chair held informal consultations with delegations on relevant legal and institutional issues. The Chairman of the Working Group presented to the Chairman of the Ad Hoc Committee revised draft language on provisions on legal and institutional issues for inclusion in the rolling text.

11. Negotiations continued on the rolling text (CD/1364 and CD/1378). In order to provide delegations and their capitals with a more structured view of the emerging draft treaty, the Chairman of the Ad Hoc Committee on 28 March 1996 presented a Working Paper entitled "Outline of a draft Comprehensive Nuclear-Test-Ban Treaty" (CD/NTB/WP.321). The Working Paper reflected the eventual structure of the treaty, the state of the negotiations, and also contained a number of building blocks on key issues, based on the work by the Chairman of the Ad Hoc Committee, the Chairmen of the Working Groups and the various Friends of the Chair.

12. Building upon agreements reached during the negotiations and on the basis of his best judgement indicating areas of possible compromise solutions on the available proposals and materials, the Chairman of the Ad Hoc Committee on 28 May 1996 presented a Working Paper entitled "Draft Comprehensive Nuclear-Test-Ban Treaty" (CD/NTB/WP.330). When presenting the text of the draft treaty, the Chairman recalled the mandate of the Ad Hoc Committee as well as the call by the fiftieth General Assembly of the United Nations on all States participating in the Conference on Disarmament to conclude the treaty as a task of the highest priority, so as to enable its signature by the outset of the fifty-first session of the General Assembly. Against this background, the Chairman concluded that presenting a complete draft text of a Comprehensive Nuclear-Test-Ban Treaty constituted an essential and indispensable step towards the conclusion of a treaty within the time-frame set by the international community. The Chairman added that his goal was to

present a platform for reaching final agreement, harmonizing the desirable with the attainable. Some delegations, however, felt that they could not accept CD/NTB/WP.330 as a basis for negotiations and expressed the view that the rolling text (CD/NTB/WP.325) should remain the basis for negotiations.

13. Following the presentation of Working Paper CD/NTB/WP.330, the Committee continued in a new negotiating framework for the remainder of the second part of the session. Under this new framework, the negotiating process continued under the guidance of the Chairman and the Moderators named in paragraph 5. As a result of this process, the Chairman on 24 June 1996 presented a number of amendments to Working Paper CD/NTB/WP.330 (CD/NTB/WP.335). Furthermore, work continued under the guidance of the respective Friends of the Chair on a draft text on the establishment of a Preparatory Commission and on a draft Host Country Agreement for the Preparatory Commission of a Comprehensive Nuclear-Test-Ban Treaty Organization.

14. On 28 June 1996, the closing day of the second part of the session, the Chairman of the Ad Hoc Committee presented a revised draft treaty (CD/NTB/WP.330/Rev.1), expressing his conviction that convergence had reached its peak and recommending the draft treaty for serious consideration to delegations and to their capitals. Several delegations expressed their support for this text outright. Several others reaffirmed their willingness to continue the negotiations until an agreement was reached on a consensus draft treaty. The Chairman also presented a revised Draft Text on the Establishment of a Preparatory Commission (CD/NTB/WP.333/Rev.1), which had been prepared by the Friend of the Chair for the Preparatory Commission.

15. Following the resumption of the work of the Ad Hoc Committee at the third part of the session, delegations expressed their views on the revised draft treaty presented by the Chairman of the Ad Hoc Committee on 28 June 1996. Of the delegations that expressed their views, a number urged the participants in the negotiations to support, without reopening, the draft presented by the Chairman so that the Conference on Disarmament could take a decision to approve the draft treaty so that it could be sent to the United Nations General Assembly for endorsement and opened for signature. Some other delegations, however, urged that negotiations be continued to enable consensus to be reached on the draft text. The Chairman carried out intensive consultations with delegations with a view to reaching final agreement on the draft treaty. These consultations did not result in an agreement.

V. CONCLUSIONS OF THE CHAIRMAN ON HIS CONSULTATIONS

16. On Friday 9 August 1996, the Chairman of the Ad Hoc Committee reported to the Committee on his informal consultations and presented his conclusions as follows:

> He noted that during his latest round of informal consultations, there was a general realization among delegations of the time-constraints faced by the Committee for concluding a Comprehensive Nuclear-Test-Ban Treaty if the treaty were to be signed by the outset of the fifty-first General Assembly of the United Nations, which clearly was the wish and the expectation of the international community.

- His consultations had confirmed that continuing the negotiations on the draft treaty as a whole would not likely yield further results. The draft treaty would in that case almost certainly not be ready for signature on time and might even fall apart. Some delegations indeed indicated that, while they could accept the existing draft treaty text, they reserved the right to propose amendments if the text were to be opened up.

- The Chairman noted that support for or acceptance of the draft treaty had been expressed in the Ad Hoc Committee, in the Plenary of the Conference, as well as during his informal consultations. Despite concerns on various elements of the draft treaty, it was widely recognized that the margins for changing the draft treaty were extremely small. The Chairman was advised and encouraged by delegations to address the remaining concerns of delegations through informal consultations rather than resorting to full-fledged negotiations.

- The Chairman reported that in doing so, he had addressed a variety of concerns with regard to the draft treaty, including, inter alia, the issue of nuclear disarmament and the Preamble, the composition of the Executive Council, entry into force, and some issues related to verification. In each case, the Chairman, together with delegations concerned, had explored ways and means of meeting the various concerns. Almost invariably, however, the Chairman had been faced with the prospect of substituting one concern for another. In short, every solution seemed to create a new problem.

- The Chairman noted that during his informal consultations, some delegations had raised the issue of the Preamble and had wished to see a more prominent role for nuclear disarmament therein. He underlined that in drafting the Preamble, he had sought to reflect the mandate of the negotiations and to give due weight to the process of nuclear disarmament and to the prevention of the proliferation of nuclear weapons in all its aspects. He had concluded from his consultations that further improvements to the Preamble were not feasible.

- With regard to the Executive Council, the Chairman noted that a concern had been expressed on the composition of a particular geographical region. On this point, the Chairman clarified that the composition of the six regions was CTBT-specific - other multilateral agreements and forums followed different approaches. The purpose of the annex listing the States within the six geographical regions was merely to define the regions in geographical terms in order to underscore the consensus principle that no State Party should be permanently excluded from a seat on the Executive Council.

- The Chairman reported that he had devoted much time and effort to the issue of entry into force. However, his consultations had not produced any indication as to how to move the draft treaty further towards convergence on this issue. None the less, judging from his

consultations, he expressed his firm conviction that the current article on entry into force did not impinge on the sovereign right of any State to take its own decision about whether or not to sign and ratify the treaty. Nor did the article on entry into force impose any legally binding obligations on a State not Party to the treaty - regardless of whether or not ratification by that State was a condition for entry into force of the treaty. Finally, the Chairman noted his understanding that article XIV, paragraph 2, did not refer to United Nations Security Council measures in accordance with Chapter VII of the United Nations Charter.

The Chairman noted that concerns had also been expressed on some issues related to verification. One such concern pertained to the potential abuse of national technical means of verification. On this point, the Chairman recalled that the draft treaty contained a number of safeguards against abuse, such as the provisions that:

- verification activities shall be based on objective information, shall be limited to the subject-matter of the treaty, and shall be carried out on the basis of full respect for the sovereignty of States Parties and in the least intrusive manner possible consistent with the effective and timely accomplishment of their objectives. Each State Party shall refrain from any abuse of the right of verification;

- the sole purpose of an on-site inspection shall be to clarify whether a nuclear-weapon test explosion or any other nuclear explosion has been carried out in violation of article I and, to the extent possible, to gather any facts which might assist in identifying any possible violator;

- the requesting State Party shall be under the obligation to keep the on-site inspection request within the scope of the treaty and shall refrain from unfounded or abusive inspection requests.

The Chairman added that the submission of any abusive or frivolous on-site inspection request would amount to a violation of a State Party's rights under the treaty. He recalled the powers of the Executive Council at various stages in the decision-making process to prevent and deal with abusive requests. The Chairman concluded therefore that the draft treaty contained a strong deterrent against submitting abusive on-site inspection requests.

The Chairman recalled his conviction at an earlier stage in the negotiations that convergence had reached its peak. His latest round of consultations had by and large confirmed that conviction. Nevertheless, he had learned from his consultations that in one area, there was still room for further convergence by slightly modifying one sentence in the draft treaty. He therefore proposed to replace in article IV, paragraph 46, second sentence of CD/NTB/WP.330/Rev.1 the words "a majority of all" by the words "at least 30 affirmative votes of", so that the sentence would read:

"The decision to approve the on-site inspection shall be made by at least 30 affirmative votes of members of the Executive Council."

The Chairman emphasized that the above-mentioned modification seemed essential to bring final agreement on the draft treaty within reach.

The Chairman expressed his view that under the present circumstances, substantive work on the draft treaty had resulted in the best attainable outcome. It was now up to the Ad Hoc Committee and the Conference to take the necessary steps to present the international community with this long-awaited milestone in the field of disarmament. He called upon delegations not to let this unique opportunity slip away.

VI. NATIONAL STATEMENTS OF POSITION

17. A number of delegations expressed positions which they wished to be included in the report. These positions follow in paragraphs 18 to 35:

18. The delegation of Egypt made the following statement:

"This text offers a better balance and an improvement over previous texts. Nevertheless, the Egyptian delegation wishes to put on record a number of remarks with regard to the current draft text.

The Egyptian delegation is sincerely preoccupied that the current draft nuclear-test-ban treaty does not clearly place the treaty within an overall process of nuclear disarmament. The 'Preamble' to the treaty should have contained clear and unambiguous references to the objective of achieving total nuclear disarmament and to the fact that the treaty is but one step within a phased framework of nuclear disarmament; a framework which aims at achieving complete nuclear non-proliferation, both at the horizontal level and at the vertical level, and nuclear disarmament by capping any further quantitative or qualitative development of nuclear weapons. The fact that consensus could not be reached in the Ad Hoc Committee on a reference to a phased framework for the achievement of nuclear disarmament raises significant doubts about the true commitment of the nuclear-weapon States to these objectives.

The Egyptian delegation regrets that the text of the Draft Comprehensive Nuclear-Test-Ban Treaty contained in document CD/NTB/WP.330/Rev.2 falls short of its expectations together with a number of member countries. The draft text does, in fact, not contain a comprehensive but only another partial test-ban treaty which bans only nuclear test explosions. Egypt engaged in the negotiating process with an understanding that all forms of nuclear testing would be banned as is clearly understood from the mandate of the Ad Hoc Committee. However, the CTBT text constitutes, in our view, an enhancement to international peace and security and should contribute to the protection of the environment.

On the important matter of on-site inspections, Egypt is of the view that these should, once requested by a State Party, proceed in the smoothest possible manner and only be halted if it is demonstrated that the request is baseless. Appropriate measures should be a warning against cases of clearly frivolous or harassing requests. The 'green light' approach endorsed in the draft treaty does not reflect Egypt's position and does not, in our view, serve the best interest of the international community to ensure compliance with the treaty.

The treatment of National Technical Means (NTMs) in the draft also represents a matter of concern. We agree that such means should have their place in the treaty and can be useful as a complement to the International Monitoring System, with the necessary guarantees to caution against potential abuse or selective and partial use of NTMs. Such guarantees are not adequately provided for in the text. However, the interpretation of NTMs by the Chairman of the Ad Hoc Committee in his statement delivered before the Committee on 9 August 1996 reflected in section V of this Report would provide additional assurances against the misuse or abuse of NTMs.

The Chairman's statement of 9 August 1996 also contained an understanding by the Chairman whereby it was noted that article XIV, paragraph 2 of the draft treaty did not refer to United Nations Security Council measures in accordance with Chapter VII of the United Nations Charter. This is our understanding of the above-mentioned provision.

The Egyptian delegation regrets that the Executive Council composition as reflected in the text does not reserve equitable and balanced treatment for African countries. On numerous occasions during our negotiations the Egyptian delegation, together with others, expressed concern over the limited number of Executive Council seats reserved for Africa which is, as compared to other groups, significantly underrepresented. These concerns have been ignored as have those concerning the unprecedented regional group system which has found its way into the text, and which divides the world into six regional groups rather than the five we are accustomed to in the United Nations system. Setting up such precedents despite serious opposition can only affect the credibility of the treaty and limit its chances to achieve universality. In addition, Egypt is preoccupied because of the decision-making in the Executive Council (two-thirds majority for matters of substance) which may paralyse this important body in comparison with the similar body in the CWC."

19. The delegation of Mexico made the following statement:

"The Government of Mexico has actively and constructively participated in the drafting of a comprehensive test-ban treaty that, in accordance with the mandate approved by the Conference on Disarmament and reaffirmed by the General Assembly of the United Nations, would be universal and internationally and effectively verifiable and which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects and to the process of nuclear disarmament.

After two and half years of negotiations we now have a draft that, while it does not have all the characteristics to which the international community aspired, extends to all environments the prohibition to carry out any nuclear-weapon test explosions or any other nuclear explosions, thus satisfying the intention which, in 1985, led Mexico to convene the Review Conference of the 1963 Moscow Treaty with the purpose of extending to underground nuclear tests the prohibition contained in that Treaty.

A comprehensive nuclear test ban would have contributed significantly to the process of nuclear disarmament and to non-proliferation in all its aspects. But the basic obligation in the draft treaty limits the ban to nuclear-weapon test explosions, so that it will be possible for nuclear weapons to continue to be tested by other means and their qualitative improvement will merely be hindered, not prevented. It has been argued that a total nuclear test ban would not be verifiable or desirable, given the alleged necessity of carrying out tests to ensure the safety and reliability of nuclear arsenals. We trust in the good faith of the nuclear-weapon States and in their compliance with the purpose and spirit of the treaty, which can be no other than to put an end to the qualitative improvement of nuclear weapons and to the development of advanced new types of nuclear weapons. But we would have preferred express commitments to that effect: they could and should have been included in the Preamble, and their absence diminishes the effective contribution of the treaty to non-proliferation in all its aspects.

The Government of Mexico understands that, as the International Court of Justice concluded on 8 July this year, there exists an obligation for all States to proceed in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control; and it reaffirms that, as the General Assembly stated in 1978, at its first special session devoted to disarmament, the cessation of nuclear weapon testing by all States within the framework of an effective nuclear disarmament process would be in the interest of mankind, and that the achievement of nuclear disarmament requires the urgent negotiation of a comprehensive, phased programme with agreed time-frames, whenever feasible, for the progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time. We regret the absence in the Preamble of a reaffirmation of the commitment of all States to the total elimination of nuclear weapons. This omission diminishes the effectiveness of the treaty's contribution to the process of nuclear disarmament.

In view of the foregoing, the delegation of Mexico, along with 27 other delegations, submitted to the Conference on Disarmament on 8 August 1996 a programme of action for the elimination of nuclear weapons in three phases, with a view to the consolidation of a nuclear-weapon-free world in the year 2020.

The treaty's most serious shortcoming is the article on entry into force, which makes entry into force conditional on ratification by 44 States listed in annex 2 to the treaty. The said article does not provide for any mechanism whereby States which have ratified the treaty

may decide that the treaty will come into force for them before each and every one of the 44 listed States has ratified it. Thus, the entry into force of the treaty is subject to the will of each one of the 44 States, notwithstanding the necessity for the treaty to come into force as soon as possible, and notwithstanding the possible wish of some States for it to enter into force for them. This provision detracts from the viability of the draft as a treaty. Mexico would have favoured any provision on entry into force that would have enabled the treaty to become fully operative in the foreseeable future.

Notwithstanding these observations, the Government of Mexico is of the opinion that the treaty will help to establish the norm that bans nuclear testing, and to strengthen the opinio juris regarding the obligation to eliminate nuclear weapons. The Ad Hoc Committee should therefore approve as soon as possible the transmission of the draft to the Conference on Disarmament for its consideration."

20. The delegation of India made the following statement:

"I would like to reiterate our position that India cannot and does not accept CD/NTB/WP.330/Rev.1 and now CD/NTB/WP.330/Rev.2 as the CTBT we were mandated to negotiate. Our objections to the draft are well known but I would, for the record, recapitulate them briefly.

We have been of the firm view that a CTBT should bring about a halt to the qualitative development, upgradation and improvement of nuclear weapons. This was the mandated requirement of the treaty. However, the basic provisions of the draft contained in CD/NTB/WP.330/Rev.1 and now Rev.2 give us only a 'Nuclear Weapons Test Explosion Ban Treaty' and not a CTBT as it still leaves open the possibilities of non-explosive testing and consequently of the qualitative improvement and upgradation of nuclear weapons and may, more dangerously, in our view restart a nuclear weapons technology race.

Our second concern was to ensure that the CTBT is an irreversible step in a time-bound process of nuclear disarmament. This was an essential element in our version of the treaty - without such a commitment in a treaty of indefinite duration, the present discriminatory nuclear regime would only be reinforced. The draft contains only weak preambular references of a non-binding nature and all attempts to introduce substantive provisions have been blocked. The draft treaty that has emerged and is contained in CD/NTB/WP.330/Rev.2 is therefore shaped more by the technological preferences of the nuclear weapons States rather than the imperatives of nuclear disarmament. This is not the treaty that India envisaged in 1954 nor the one that we were mandated to negotiate.

It may be recalled here that during the negotiations since January 1996 India put forward a number of proposals consistent with the mandate adopted by the CD. These proposals were aimed at ensuring that the CTBT be a truly comprehensive treaty which banned all nuclear testing and did not leave any loopholes for qualitative refinement and development of nuclear weapons. We also underscored the importance of

placing the treaty in the disarmament context as a part of a step by step process aimed at achieving complete elimination of all nuclear weapons within a time-bound framework. Unfortunately there was no attempt to address our concerns and our proposals through the period of negotiations and when CD/NTB/WP.330, the predecessor of the current paper appeared, these proposals were unilaterally dropped.

Consequently, we clearly stated our position on 20 June 1996 that CD/NTB/WP.330/Rev.1 (now Rev.2) did not appear conceived as a measure towards universal nuclear disarmament and is not in India's national security interests. Hence India cannot and does not subscribe to it in its present form.

It therefore follows that the Ad Hoc Committee will have to report to the CD that there was no consensus in the Committee on your draft.

I would also like to address the possibility of transmittal of this draft text, on which there is no consensus, to the CD. This text contains an entry into force provision which not only totally disregards my country's position but is unprecedented in treaty negotiating practice. For all those countries who appear so eager to have this text enter into force at an early date, they have ensured, that with the current language, it will never do so. In addition, this article creates obligations for a country without its consent and therefore runs contrary to customary international law. A number of multilateral treaties do require ratification by certain States which are named in the text. But in every case the State whose ratification has been made conditional for the entry into force of the treaty has indicated its acceptance of the terms of the treaty including the entry into force clause. This is not the case here. India has clearly and repeatedly stated its position not to subscribe to the draft treaty in its present form. It is unprecedented in the history of international treaties that a sovereign nation is required to sign a treaty against its will under implied threats and this is what is envisaged despite your personal and other bilateral assurances which we appreciate. We therefore have the strongest objection to article XIV. Insistence on this language in the treaty text by a small number of countries leaves us with no choice but to state that India cannot agree to the transmittal of this text in any form - as an addendum or by a separate decision or in any other way - to the CD by the Ad Hoc Committee. It is not India who is damaging the credibility of the CD by this action but those who insist on the inclusion in the text of provisions which are repugnant in international law.

To reiterate and conclude, the report of the Ad Hoc Committee can only state that there is no consensus in the Committee on your draft. Furthermore, for the reasons which we have explained, we oppose the transmittal of the draft text in any form to the CD from the Ad Hoc Committee."

21. The delegation of Brazil made the following statement:

"As the Brazilian delegation has stated before, we would be prepared to accept your draft treaty as contained in document CD/NTB/WP.330/Rev.1. Your proposed amendment to article IV, paragraph 46 is in our view an improvement which broadens support for the draft treaty.

We would of course have preferred to see your consultations also produce other adjustments to the draft text, which could have corrected what we perceive as deficiencies in the draft. We do however understand that further modifications at this time might imperil the attainment, within the time-frame set by the international community, of the long-sought goal of a comprehensive nuclear-test-ban treaty, for which we remain convinced your draft offers the best prospect.

It is our view that the lack of any provision whereby States Parties would be committed to specific measures of nuclear disarmament is a major shortcoming. None the less, we are confident that the prohibition imposed by article I of the draft CTBT will constrain vertical proliferation and reinforce the trend towards rolling back the nuclear arms race. The treaty will thus constitute a significant step towards a nuclear-weapon-free world.

The implementation of the International Monitoring System and other verification measures should for their part deter any activities contrary to treaty provisions. The absence of clear criteria in the treaty text governing the employment of national technical means for verification enhances the role of the Executive Council with regard to the extent of the use of NTM data in specific situations. We consider that the verification system established by the CTBT is treaty-specific and does not constitute a precedent for international instruments dealing with other subject-matters.

The CTBT will entail heavy financial responsibilities for signatory States, which will be required to provide funds for the establishment of treaty organs in preparation for the entry into force of the treaty. Brazil will strive for an implementation schedule that will allow it to discharge its obligations in this regard in a manner consistent with its domestic budgetary constraints."

22. The delegation of China made the following statement:

"Today, instructed by the Chinese Government and on behalf of the Chinese delegation, I wish to make the following comments on the draft text of the Comprehensive Test-Ban Treaty presented by the Chairman of the Ad Hoc Committee.

China has all along stood for the complete prohibition and thorough destruction of nuclear weapons, and the realization of a nuclear-weapon-free world. We are in favour of achieving a comprehensive ban on nuclear-weapon test explosions in the process toward this goal. China firmly believes that the conclusion of the CTBT will contribute to

nuclear disarmament and nuclear non-proliferation. For this purpose, the Chinese delegation has, under the instructions of the Chinese Government, participated in the negotiations in a positive and serious manner. It is our sincere hope that a just and reasonable CTBT can be open for signature within 1996.

The Chinese delegation holds that the treaty text (CD/NTB/WP.330/Rev.2) represents the outcome of negotiations in the past two and a half years, by and large reflecting objectively the state of the negotiations and therefore is balanced in general.

Meanwhile, the Chinese delegation wishes to point out once again that we are not entirely satisfied with the treaty draft, because it fails to fully reflect the just demand and reasonable proposals put forward by many developing countries including China. The Chinese delegation has to express its concern with these elements.

The draft treaty text contains no reference to the conclusion of international legal instruments on no-first-use of nuclear weapons, and no-use or threat-of-use of nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones, nor touches upon the conclusion of a convention on a comprehensive prohibition of nuclear weapons. China has always held that just like a comprehensive nuclear test ban, no-first-use of nuclear weapons and no-use or threat-of-use of nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones constitute important steps towards the ultimate comprehensive prohibition and thorough destruction of nuclear weapons. Therefore, the Preamble of the treaty should have fully reflected the common aspiration of the international community, indicating that the international community would continue to strive for the realization of the above-mentioned objectives following the conclusion of the CTBT.

On the triggering basis of on-site inspection (OSI), the text treats the international monitoring system (IMS) and national technical means (NTMs) as equals, without drawing necessary distinctions between the two. Since sophisticated NTMs are only possessed by a few technically-advanced countries, and the use of NTMs is fraught with subjectivity and discrimination, there exists the possibility of abuse or misuse of on-site inspections by certain countries. The Chinese delegation is seriously concerned with this and wishes to reiterate that despite the relevant provisions in the treaty text, China's consistent position on NTMs shall be retained.

On the decision-making procedure of on-site inspection, the relevant provisions in the text is less than fully reasonable. Being the last resort of the CTBT verification regime used under exceptional circumstances and which may be politically confrontational and highly sensitive, OSI constitutes the most important substantive issue in the treaty, and therefore, should be approved by at least two-thirds majority of all members of the Executive Council. That the Chinese delegation accepted the option of approving OSI requests by at least 30 affirmative votes out of 51 members of the Executive Council is solely for the

purpose of facilitating an early conclusion of the treaty which calls for flexibility and compromise and is without prejudice to China's position on the decision-making procedure for OSIs under the CTBT.

On the criteria for the membership of the Executive Council, the draft treats the financial contribution to the treaty organization as one of the criteria, setting a bad precedence for multilateral treaty organization. The Chinese delegation remains critical of this.

The text incorporates arbitrarily noble gas monitoring into the international monitoring system and even sets the scale of such monitoring means, despite the lack of sufficient technical assessment and a technical consensus. The Chinese delegation is deeply unsatisfied with this.

In light of the strong call of the international community for the conclusion of CTBT within this year, especially the time-frame for the signing of the treaty set by the relevant resolution of the fiftieth United Nations General Assembly, the Chinese delegation, while reiterating the above-mentioned positions, is ready to agree to the transmission of the modified treaty draft (CD/NTB/WP.330/Rev.1) to the Conference on Disarmament for consideration as an annex attached to the report of the Ad Hoc Committee."

23. The delegation of Algeria made the following statement:

"The delegation of Algeria has participated in the work of the Ad Hoc Committee which the Conference on Disarmament mandated to negotiate a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security.

After two and a half years of intensive negotiations, no consensus has been possible on the text contained in document CD/NTB/WT.330/Rev.2 which the Ad Hoc Committee is now seeking to transmit to the Conference on Disarmament. The absence, however regrettable, of a consensus text is not attributable to any particular delegation. Its origin lies in what are for the parties to the negotiations, depending on the specific interests they have to defend, the more or less acceptable or tolerable shortcomings of the text.

The draft treaty fails to take clear and balanced account of the dimensions of non-proliferation and disarmament. It is deficient in these two fundamental dimensions inasmuch as it is not fitted firmly into an irreversible process of nuclear disarmament and it might not put a stop to nuclear proliferation in all its aspects. The permanent ending of the qualitative and quantitative development of nuclear weapons does not seem definitively assured.

The verification regime, particularly on-site inspection, has obvious political repercussions inasmuch as it concerns States' national

sovereignty, respect of which in all circumstances is of great importance. In this regard, the effect of giving information obtained by national technical means the same status as to data gathered by the International Monitoring System introduces a most regrettable element of discrimination, for it is contrary to the principles of international law. The delegation of Algeria therefore wishes to state that it understands the provisions of article IV, paragraph 37, concerning 'technical information obtained by national technical means' as excluding all information obtained from human sources and as applying only in the event of a manifest breach of the fundamental obligations under the treaty.

Concerning entry into force, the delegation of Algeria considers that article XIV cannot under any pretext whatsoever be interpreted as infringing the sovereign right of every State to decide to become or not to become a party to the treaty. Paragraph 2 of this article in no way implies any reference to the provisions of existing universal legal instruments such as, for example, the Charter of the United Nations.

The provisions of article IV, paragraph 37, and article XIV are sui generis and therefore have none of the characteristics that could confer upon them the status of a legal rule or precedent invocable in the negotiation of future international treaties.

Contrary to the relevant provisions of the treaty, the representation of Africa in the Executive Council is inequitable. That is a precedent which the delegation of Algeria hopes will not be repeated, inasmuch as it constitutes a serious infringement of the principle of the sovereign equality of States that underlies the international system. The delegation of Algeria wishes to point out that this discriminatory treatment is all the more unjustified as Africa's attachment to a nuclear-weapon-free world dates back to the close of the colonial era, and more precisely to the first OAU summit, in July 1964, and as the continent is, since the signing of the Treaty of Pelindaba, the first to have entirely renounced nuclear weapons.

Despite the shortcomings it has noted in document CD/NTB/WP.340/Rev.2, the delegation of Algeria will not oppose the transmission of the document to the Conference on Disarmament for its consideration. The Government of Algeria will continue its study of the text and will take a final decision in due course."

24. The delegation of Cuba made the following statement:

"Although Cuba appreciates the efforts made by Ambassador Ramaker, we deeply regret that the Ad Hoc Committee was unable to produce a draft treaty commanding universal support. Despite the many attempts made to distort the truth and represent certain countries as being responsible for this denouement, we delegations that have been most active in this exercise from the outset are all too familiar with the intransigent position taken by particular nuclear Powers which has prevented the Ad Hoc Committee from carrying out the full mandate assigned to it by this Conference. It stems from a refusal to site this treaty in its

proper context - that of non-proliferation and disarmament - or to undertake to achieve nuclear disarmament within a set period and guarantee that the qualitative development of nuclear weapons will not continue, as the international community has demanded at length.

What is this refusal in response to? What is lurking behind the ambiguities and omissions in the text? Negotiations conducted in good faith and without hidden agendas should be transparent, precise and sincere.

According to the spirit of the mandate, the basic objective of a CTBT should be to ban all nuclear tests in all environments for ever, thus hindering the qualitative development of nuclear weapons and the creation of new nuclear-weapon systems.

For that reason it has for Cuba always been a matter of high priority that the treaty should be of sufficient scope to offer some assurance that it would indeed attain this objective.

The want of political will on the part of particular nuclear Powers has prevented any clear statement on this question from being made, even in the Preamble. What document CD/NTB/WP.330/Rev.2 in fact contains is another partial test-ban treaty.

It is the practice in treaty law for the preambles of multilaterally negotiated international instruments to reflect the purposes and principles of the negotiations that have taken place.

Cuba, alongside other members of the Group of 21, worked intensively and submitted concrete proposals to try and offset, in the Preamble at least, some of the main shortcomings in the body of the draft. Despite our efforts, we did not obtain the results we had hoped for.

The attitude of some delegations was so unconstructive that it proved difficult even to secure the insertion of an extremely weak reference, far removed from the practice in treaty language, to a matter of high priority for the international community - the beneficial impact on the environment of a ban on nuclear explosions.

As regards the use of data obtained by national technical means to trigger on-site inspections, Cuba reiterates its concern at the way such information might be used by virtue of the provisions of the draft treaty.

The relevant clauses not only afford scope for manipulation of national technical means by the main States possessing them but omit to rule out the use of espionage and human intelligence.

On the subject of the Executive Council, we consider it improper to include financial contributions among the criteria for the assignment of seats on this important body. This might constitute a precedent infringing the principle of the sovereign equality of States.

On another matter, Cuba deeply regrets that greater efforts were not made to find a formula for the entry into force of the treaty that took due account of all delegations' legitimate concerns.

Nor must we overlook the fact that the limitations of the draft take on added relevance against the background of the sizeable financial demands which it is planned to make on States by virtue of the treaty, including the poorest of the third-world States which will have to ratify the treaty before it can enter into force.

These, briefly, are some of the comments our Government wished to put clearly on the record in reference to the draft treaty.

In spite of the more exceptionable aspects we have listed, Cuba will not oppose this draft treaty, chiefly because we think that a ban on nuclear explosions is supremely important and represents a step forward, albeit a modest one, in the advance towards nuclear disarmament which is our Government's top priority in its disarmament and international security policy.

The Government of Cuba will analyse the content of this treaty in depth and decide on that basis, at the appropriate time, what position it will definitively adopt."

25. The delegations of Argentina, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Chile, China, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Kazakstan, Mongolia, Morocco, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, none of which is fully satisfied with the text in CD/NTB/WP.330/Rev.2, are prepared to support this text and consider that it should be forwarded to the Conference on Disarmament for consideration and adoption.

26. The delegations of the United Kingdom of Great Britain and Northern Ireland, the United States of America, Germany, Italy, Spain, France and Belgium noted the statements made by a number of delegations setting out their national positions. They did not accept that such statements had any authoritative status at the level of interpretation or otherwise: the text of the treaty spoke for itself.

27. The delegation of Colombia made the following statement:

"Colombia has followed closely the Ad Hoc Committee's negotiations on the ban of nuclear tests and has studied carefully the Chairman's text contained in the document CD/NTB/WP.330/Rev.1 of 28 June 1996, as well as CD/NTB/WP.330/Rev.2. The text reflects the various positions taken over the past two years. However, there remains a whole range of concerns to be addressed before arriving at a universally acceptable text. My delegation shares some of those concerns.

For example, the Preamble to the treaty seems weak and not to reflect the importance attached by all parties to having a world free of nuclear weapons. Although it states that 'an end to all such nuclear explosions will thus constitute a meaningful step in the realization of a systematic process to achieve nuclear disarmament', the operative part mentions no definite time-frame for achieving that aim. It is not clear to us whether the treaty is to form part of a set of international norms leading to the total elimination of these weapons of mass destruction.

As you are well aware, article 1 of the draft treaty merely prohibits testing by means of explosions and there is no political undertaking to avoid more sophisticated computer simulations. It is worth considering whether the real purpose of adopting the treaty is to maintain a status quo which is unacceptable for non-nuclear-weapon States.

Article XIV on entry into force is interesting, but it is worth considering whether it is viable in present circumstances, if we are genuinely interested in having the treaty enter into force at a given time. These and many other concerns call for analysis and review.

We should like to recall that the Heads of State or Government of the Non-Aligned Countries, at their Summit in Cartagena, Colombia, reaffirmed that, if the CTBT was to have any meaning as a disarmament treaty, it must be considered as a major step towards the complete elimination of all nuclear weapons within a specific time-frame.

In accordance with its Constitution and as a party to the Treaty of Tlatelolco, Colombia has an obligation not to produce, possess or make use of nuclear weapons. We are therefore ready to sign a comprehensive nuclear-test-ban treaty which contributes to the sole aim of the total elimination of such weapons in the future. However, we are aware of the difficulties which some States members of this Conference still have. We hope that those difficulties can be resolved as quickly as possible, to which end the President has Colombia's full support."

28. The delegation of the Islamic Republic of Iran made the following statement:

"It appears that the Ad Hoc Committee will not be able to present a consensus text to the Conference on Disarmament. It is profoundly regrettable that the long-awaited aspiration of the international community to arrest quantitative and qualitative development of nuclear weapons will not be met. None of us ever underestimated the difficulties involved in the work entrusted to the Conference on Disarmament and through it to the Ad Hoc Committee on NTB. But, then, none of us anticipated a failure either.

The appalling fact here is that failure could be avoided. It was never understood, nor I believe it ever will be as to why, how and where a decision was made that the negotiations should cease abruptly and be replaced by an accelerated move towards deadlock.

We have come a long, long way. The draft treaties proposed by the Islamic Republic of Iran, Australia and eventually by the Chairman have contributed in minimizing the problem areas to a handful. Instead of dealing, therefore, with the more than 1,000 brackets - which had remained stubbornly on the table for a long time - we are, in practical terms, faced with no more than 3 or 4 small brackets at this late stage.

One critical issue, of course, is nuclear disarmament. Many delegations are dissatisfied with the text, particularly after limitations imposed on the scope which seriously questions the comprehensive nature of the treaty demanded by the mandate. Minimum here is to reiterate a commitment to a phased programme with agreed time-frames to eliminate nuclear weapons. At the verge of convening the SSOD4 we cannot see why a commitment, which has already enjoyed consensus ever since SSOD1, cannot be renewed.

On the national technical means, the changes that have been made in the text in line with the Chinese proposal have been helpful. However, the devastating record of certain States in utilizing national means to spread false accusations as pretext for extraterritorial extension of their national positions raises serious scepticism and concern about this issue. We do not disagree that data received from IMS could be combined with that from national technical means in requesting on-site inspection. What troubles us in the text is to designate a status to national technical means equal to that of an IMS with such extensive and elaborate networks.

We stress that national technical means apply provisionally and only to explosions not currently covered by the IMS. We also reiterate that national technical means, as referred to in the text, should not and could not be interpreted in any way to include information received from espionage and human intelligence, as this would run contrary to generally recognized principles of international law.

On the composition of the Executive Council, we were stunned to see in the Chairman's text a listing that was obvious to raise a political problem not related to CTBT and therefore not called for.

Let me recall here that the text which was under consideration had Israel listed in the Western Group, just as is the case in many international forums. For reasons unclear to us the Western Group shut the door on Israel here and moved it to our group without our consent. It was only appropriate, therefore, to move Israel back to the West and resolve this problem. However, noting the resistance by apparently one or two Western States to accept Israel's return to their group, we went along with the suggestion to allow the Conference of the States Parties to redraw this list when it convenes and, hence, removing an obstacle in the way of reaching a consensus.

In short, as far as we are concerned, consensus could be easily reached with small changes in the text as reflected in the end of this

written statement. However, a unilateral decision by some nuclear Powers to block any change in the text proposed by the Chairman has, so far, given rise to an impasse.

Let me restate here that we are plagued by a prevailing notion in various negotiations at the CD that those who possess and use, or are prepared to use, nuclear weapons and other weapons of mass destruction enjoy a privileged status. Others are always presumed to be ready to compromise on their national interests and positions in favour of these Powers. We have suffered in the past, are suffering now, and are bound to suffer again in the future from this notion.

I reported in my previous statement to this plenary on the precarious situation the CWC has fallen into in the face of failure so far by the two CW States, the United States and the Russian Federation, to ratify that treaty despite the fact that it was tailored to fit their positions. Same is likely to happen to the CTBT as there are now strong indications of opposition to the CTBT by the existing majority in the United States Congress. Doubts therefore exist already on the eventual ratification of the treaty by the nuclear-weapon States. This despite the fact that they have been setting the terms and drawing the limits on the most critical issues and dictating procedures at crucial stages particularly during the last phase of our work.

Many delegations have thus expressed dissatisfaction in their assessment of the draft treaty. Instead of rejoicing the conclusion of the CTBT, 28 non-aligned members of the CD have thus asked for cessation of all nuclear-weapon tests and closure of all nuclear-weapon test sites within their proposed programme of action for elimination of nuclear weapons (CD/1419 of 7 August 1996). It is evident that they find the current text failing to fulfil the established objective of a comprehensive test ban.

We want the CTBT to succeed. We have demonstrated this by contributing at every step to resolve outstanding problems. We also want to be able to sign the treaty. We can go along with nearly all parts of the text presented by Ambassador Ramaker, although not all of it may be to our liking or satisfaction. But, the remaining issues mentioned above prevent us from lending our support to it.

I stress, however, that the remaining issues can be resolved. It does not require much ingenuity nor much time. It only requires sincere will. The Ad Hoc Committee was mandated to negotiate a universal treaty. That, in turn, requires a text that is agreeable to all. No effort, therefore, should be spared to ensure this.

The Conference on Disarmament has, in many occasions in the past, demonstrated its ability to surmount the seemingly insurmountable. It must be allowed to do so again here and now."

Proposed Changes

1. Fourth paragraph of the Preamble should read as follows:

Stressing therefore the need for continued systematic and progressive efforts to reduce nuclear weapons globally, through negotiations on a comprehensive phased programme with agreed time-frames, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control,

2. Paragraph 37 of article IV should read as follows:

The on-site inspection request shall be based on information collected by the International Monitoring System, ~~on~~ which may be combined with any relevant technical information obtained by national technical means of verification in a manner consistent with generally recognized principles of international law~~, or on a combination thereof~~. The request shall contain information pursuant to Part II, paragraph 41 of the Protocol.

3. Remove Israel from the list of Middle East and South Asia and include it in the North America and Western Europe Group.

29. The delegation of Viet Nam made the following statement:

"As the deadline for completion of the CTBT text is coming to a close, the Vietnamese delegation would like to once again reiterate its view that the present draft could still be improved with respect to the following:

First, the language of the Preamble should have addressed disarmament issue much more forcefully, especially regarding the link between CTBT and the final objective of total elimination of nuclear weapons.

Secondly, the draft should address more adequately the concern of many countries, particularly the developing countries and non-nuclear-weapon States about the question of financial contribution. Being a country that would benefit from CTBT, once becoming a party to the CTBT, Viet Nam is prepared to shoulder an adequate share of the common financial obligations. However, as a developing country altogether devoid of any intention, past, present or future to produce whatever kind of nuclear weapons, or to carry out any test, Viet Nam holds the view that those countries that possess nuclear weapons should bear most of the costs for the implementation of CTBT.

In this regard, Viet Nam would like to stress once again that the establishment and operation of the International Monitoring System must be most cost-effective.

Nothing in the above observation detracts from Viet Nam's principled commitment to the common objective of an early completion of CTBT and its effective implementation. The Vietnamese delegation

shares the views expressed by many others that the present international situation provides an opportunity to take further effective measures towards nuclear disarmament and against the proliferation of nuclear weapons in all its aspects. It is convinced that an effective CTBT would constitute an important step towards that end.

The draft CTBT, in its present form, does provide several important measures that, if implemented in good faith, would greatly enhance international cooperation for peace and nuclear disarmament."

30. The delegation of Pakistan made the following statement:

"The following are Pakistan's views on the text of a Comprehensive Test-Ban Treaty (CTBT) contained in document No. CD/NTB/WP.230/Rev.2.

Pakistan has consistently supported the objective of a comprehensive nuclear test ban as an essential step towards nuclear disarmament and as a means of promoting nuclear non-proliferation.

Negotiations on the CTBT specially during its final stages have lacked transparency and the text produced is not entirely the product of multilateral negotiations conducted among all the members of the Ad Hoc Committee. In significant areas, the text does not take into account the strongly held positions of some States whose participation is vital for the success of the CTBT.

The 'Basic Obligation' in article I is restricted to prohibiting nuclear test explosions and not all tests related to nuclear weapons. This treaty will not be as comprehensive as envisaged in the negotiating mandate of the Ad Hoc Committee. While Pakistan appreciates that it would be presently difficult to verify compliance with a comprehensive prohibition on all testing of nuclear weapons, this shortcoming should have been overcome by the inclusion of categorical commitments in the treaty that States shall not engage in testing which could lead to the qualitative development of nuclear weapons or production of new types of nuclear weapons. On the contrary, statements have been made that certain kinds of testing will be carried out. Nuclear test sites will be kept operational. The implications of the limitations in the Basic Obligations of the treaty are clear since the treaty is to be non-discriminatory and universal.

Consequently, this treaty will fall short of the expectations of the international community as an effective measure for nuclear disarmament. This shortcoming should have been redressed by the inclusion of solemn and binding commitments in the text of the treaty to the achievement of nuclear disarmament and the complete elimination of nuclear weapons within a specific time-frame. Unfortunately, compromise proposals advanced by Pakistan for inclusion in the treaty text or in its Preamble are not reflected in the proposed treaty.

Like many other delegations, Pakistan has repeatedly affirmed that the verification of the CTBT must be accomplished primarily by the International Monitoring System and that on-site inspections must be a

rare and exceptional occurrence. In the context of the verification of the CTBT, we note that the importance of 'due process' requiring the approval of a significant majority of members of the executive organ of the organization overseeing the implementation of the treaty has been recognized. This is essential specially for sensitive procedures for on-site inspections. We take satisfaction in that this represents an important reversal from assertions made earlier that the system of verification of the Chemical Weapons Convention was to represent a standard for other multilateral disarmament agreements.

Given its serious implications, Pakistan has held that a decision to launch an OSI should be approved by at least a two-thirds majority of the Executive Council. This was essential to deter frivolous or abusive requests for OSIs against targeted countries specially since these will not be based exclusively on IMS data but also on data from National Technical Means. As a compromise, we can accept the proposition in CD/NTB/WP.330/Rev.2 that an OSI must be approved by 30 of the 51 members of the Executive Council.

It is accepted that IMS information will hold primacy in the context of the treaty's verification and that NTM data will not supersede the IMS data.

Pakistan has agreed most reluctantly to the use of NTMs for verification of the CTBT since the capabilities of States are entirely unequal in this respect. Thus the use of NTMs must be properly regulated. We note the stipulation that NTMs will be consistent with international law and the sovereignty of States. In the negotiations, there was a clear understanding which is inadequately reflected in the text, that this stipulation excluded any use or acceptance of espionage and human intelligence, which are excluded from the purview of NTMs. We shall reserve the right to take all necessary measures to preserve our national jurisdiction from foreign intrusion whether technical or physical. Evidence that our security interests are sought to be infringed in this manner would also be regarded as extraordinary events under the relevant provisions of the treaty. In this context, we welcome the assurances contained in the Chairman's statement made in the Ad Hoc Committee on 9 August 1996 regarding the misuse of NTMs.

In the context of on-site inspections there was an agreement to include an explicit provision that would clearly recognize the right of States to deny access to facilities and structures that were demonstrably not relevant to the basic obligations of the CTBT. This agreement should have been reflected more explicitly in the Chairman's text. However, we note with satisfaction that it includes provisions which recognize the right of the inspected State party to take the measures which it deems necessary to protect its national security interests; the right to limit access for the sole purpose of determining facts relevant to the purpose of the inspection, taking into account the inspected State party's right to protect national security interests; in the context of buildings and other structures, the right to impose prohibition on access with reasonable justification and most importantly the right to take the final decision regarding any access.

A list of countries is annexed to the draft treaty text giving the regional distribution of States in the context of membership of the Executive Council. Such a list was unnecessary. We note the Chairman's statement that this list is CTBT-specific. Therefore, it will not prejudice our position on regional membership in other international bodies. The actual composition of participants in regional groups in the context of matters relating to CTBT will depend on the actual composition of their membership of the treaty and the regional groups that will be constituted by the States Parties to the treaty.

We attach the highest importance to the provisions on 'Entry into Force' which provides that it will enter into force once it has been signed and ratified by 44 States, including all the nuclear capable States. The CTBT's effectiveness depends on its acceptance by all those States which have the technological capability and the legal latitude to conduct nuclear tests. If any one of these States maintains the 'right' to test, so will others since their security interests are interlocking. They must all come into the treaty. In this sense, this treaty is an 'all or nothing' treaty. Therefore, Pakistan will strongly oppose any change in the 'Entry into Force' provisions contained in article XIV of the Chairman's text.

The signature and ratification by a State of this treaty cannot constitute a legal commitment to its Basic Obligations until the treaty has entered into force.

Moreover, the conduct of a nuclear explosion by a third State would impact on our supreme national interests and constitute sufficient grounds for withdrawal from the treaty and from any obligations relating thereto.

Despite its shortcomings, the draft treaty contained in CD/NTB/WP.330/Rev.2 will constrain further development of nuclear weapons and thus contribute to the goal of nuclear disarmament. It will also promote nuclear non-proliferation. Therefore, in order to advance the process, we are prepared to accept the Chairman's text as the basis for consensus on a CTBT and agree to the transmission of this text to the CD for consideration."

31. The delegation of Kenya made the following statement:

"In my statement before the plenary of the CD on 30 May 1996, I reiterated the Kenya Government's full support for a CTBT that would ban all nuclear tests in all environments for all times as envisaged in the mandate of the Ad Hoc Committee on a Nuclear Test Ban.

It is in the same spirit that the Kenya delegation has participated positively and transparently in the negotiations for a CTBT during the last 30 months and has had bilateral discussions with representatives of various countries on the matter. We are however, disturbed by some press reports which brand Kenya as an opponent of the CTBT; and in this respect, I wish to convey the following message from my Government, which is intended to correct any inaccuracies raised once and for all.

'The Government of Kenya has noted with great concern reports from a friendly country which is also a member of the CD listing Kenya among six countries which that country has identified as the potential opponents of the draft treaty text and that could eventually raise obstacles for its signature. It should be noted that Kenya has been in the forefront in advocating for a CTBT and is anxious to see the treaty concluded as soon as possible. Kenya is a signatory of the African Nuclear-Weapon-Free Zone Treaty and this should be seen as a testimony of our commitment to the total elimination of nuclear weapons.'"

32. The delegation of Nigeria made the following statement:

"The mandate of the Ad Hoc Committee was to negotiate a 'universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and, therefore, to the enhancement of international peace and security'.

Despite the long negotiations and the best efforts of many delegations, it is difficult to agree that the draft treaty contained in CD/NTB/WP.330/Rev.2 before us is designed to achieve a nuclear-test-ban treaty. The draft treaty is limited in SCOPE, as it does not cover a nuclear test ban. Similarly, it does not contribute effectively to nuclear non-proliferation and to the process of nuclear disarmament.

Yet we had expected that the section on the Preamble would be strong on both nuclear disarmament and non-proliferation in all its aspects. This is not the case as efforts to include in the Preamble the shared objective of many non-nuclear-weapon States for a phased programme of nuclear disarmament within a time-bound framework has been fiercely resisted. But this resistance defeats the objective enunciated in the NPT Review and Extension Conference of one year ago in which 'nuclear-weapon States reaffirmed their commitment ... to pursue in good faith negotiations on effective measures relating to nuclear disarmament'.

States parties to the CTBT will have to make financial commitments not undertaken in any other treaty. This is despite the fact that most of them have never acquired nuclear weapons and do not intend to do so. This is why we feel that the financial obligations imposed by the treaty's monitoring system should be balanced with provisions in the Preamble that are strong on both nuclear disarmament and non-proliferation. Many of us will be paying for detecting the future tests of others without assurances that there will not be qualitative improvement in the weapon systems that exist today.

As regards the provision on Entry into Force, we have long advocated a simple numerical formula based on the membership of the Conference on Disarmament. We still believe, like many others, that this is the way forward for an early EIF. Failure to achieve early

effectiveness of the treaty might damage the treaty, with negative consequences for any other nuclear-related treaties that may be negotiated.

We are still concerned about the composition of the Executive Council. We had stated in March 1996, and repeated our position many times since then, that Africa's representation in the Executive Council should reflect the number of States in that region. In addition, we had objected to the creation of a sixth region which is a departure from the existing practice of five United Nations recognized regions. While we recognize that all regions have peculiarities, these concerns could be accommodated in a non-discriminatory manner, without violating the established United Nations practice.

No doubt, this nuclear-weapon explosion limitation treaty is important. It represents the first post-Cold War, nuclear-related treaty to be concluded by the Conference. As such, it portends what we could expect in the realm of nuclear non-proliferation and disarmament in the near future. But there is still much ground to cover. Indeed, we have barely started the journey towards the elimination of nuclear weapons, a worthy and cherished goal of the international community. What should succeed the Ad Hoc Committee on a Nuclear Test Ban should be an Ad Hoc Committee on a Nuclear Disarmament, with appropriate negotiating mandate. The objective is to negotiate a convention for the elimination of nuclear weapons."

33. The delegation of Peru made the following statement:

"The Government of Peru is prepared to accept the draft Comprehensive Nuclear-Test-Ban Treaty as contained in document CD/NTB/WP.330/Rev.2, but as many other delegations, we believe that the draft treaty has many deficiencies, among those we would like to underline two of them: first, the question of the Preamble. We had expected that this article would be stronger on both nuclear disarmament and non-proliferation in all its aspects. We believe that the article on Preamble in the draft treaty does not contain a clear commitment to the aim of achieving complete nuclear disarmament. Secondly, the question of the financial obligations that the States parties to the CTBT will have to face, this in spite of the fact that most of them have never acquired nuclear weapons and do not intend to do so. Nevertheless, we believe that this treaty offers the best prospect for the international community to achieve the goal of a ban on all nuclear-weapon-test explosions."

34. The delegation of Canada made the following statement:

"Canada has carefully considered the draft CTBT contained in document CD/NTB/WP.330/Rev.1 and the proposed changes subsequently tabled by you, Mr. Chairman. In our reflections, we recognize that the resulting text reflects your best judgement of the outcome of approximately two years of concerted and intensive negotiation; we, as others, acknowledge that it is not perfect but reflects the necessity of considerable compromise by all concerned.

We continue to have serious reservations. However, in view of all relevant considerations, Canada has concluded that it is prepared to accept that text. We consider that it should be forwarded to the Conference on Disarmament for consideration and adoption.

For the record, though, we should note that key reservations remain: for example,

- we strongly believe a more progressive and dynamic reference to nuclear disarmament and nuclear non-proliferation should have been included in the Preamble;

- we remain concerned that the political and procedures balance necessary for effective verification may not have been achieved; and,

- we are even more deeply concerned over the draft EIF provisions. Those provisions may result in a prolonged and serious delay in the treaty's entry into force.

On the other hand, we remain committed to the best achievable CTBT to end all nuclear-weapon-test explosions and all other nuclear explosions; we consider such a treaty is in the interests of all members of the international community; and, we believe that we must conclude our negotiations so as to meet the objectives we set for ourselves last fall in the United Nations General Assembly.

In taking this position, we believe that States should commit themselves to dedicated efforts to bring this treaty into force as soon as possible, that States should sign and then ratify quickly, and that States should make the resource commitments necessary.

We also urge the nuclear-weapon States to pursue further nuclear disarmament measures on a continuing progressive and dynamic basis."

35. The delegation of Belgium made the following statement:

"Belgium, for its part, while considering the draft CTBT contained in document CD/NTB/WP.330/Rev.2 to be far from perfect, is ready to support it as a compromise text and to recommend that it should be sent to New York for endorsement by the United Nations General Assembly.

To this end the delegation of Belgium, like many others, would like this text to be transmitted to the Conference on Disarmament for consideration and adoption.

Admittedly, it is not the ideal wording and, in Belgium's view, it contains many imperfections.

To begin with, we would have preferred in the Preamble a firmer text on the question of nuclear disarmament. As the representative of Belgium said before the Conference on Disarmament on 15 February 1996, 'the Conference on Disarmament has a role to play in nuclear disarmament,

as it is proving with the current CTBT negotiations'. That being so, it would have been more normal if, in the Preamble, the CTBT had been placed in the context of the process of nuclear disarmament.

In addition, Belgium is disappointed with respect to the verification machinery, particularly on-site inspections, for it considers that this system should have been fundamentally deterrent in nature - an aspect that seems totally to have vanished, so cumbersome and complicated is the procedure provided for.

Lastly, Belgium also has reservations regarding entry into force: the wording decided on is not bad in itself, but it lacks flexibility, which could have adverse effects for the universality of the treaty. Belgium, for its part, advocated entry into force immediately upon the signing of the treaty."

VII. CONCLUSIONS AND RECOMMENDATIONS

36. As this Report indicates, despite the assessments of CD/NTB/WP.330/Rev.2 contained in section VI above and support for a proposal to transmit it to the Conference on Disarmament for its consideration, no consensus could be reached either on the text or on the action proposed. The Ad Hoc Committee refers this report to the Conference on Disarmament.